



98TH GENERAL ASSEMBLY

State of Illinois

2013 and 2014

HB5518

by Rep. Ron Sandack

SYNOPSIS AS INTRODUCED:

405 ILCS 5/3-504

from Ch. 91 1/2, par. 3-504

Amends the Mental Health and Developmental Disabilities Code. Provides that a peace officer may take a minor into custody and transport the minor to a mental health facility when the peace officer has reasonable grounds (deletes that the officer's reasons must be the result of his or her personal observation) to believe that the minor is eligible for admission under the Code and is in a condition that immediate hospitalization is necessary in order to protect the minor or others from physical harm. Effective immediately.

LRB098 18190 RLC 53319 b

FISCAL NOTE ACT
MAY APPLY

A BILL FOR

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Mental Health and Developmental
5 Disabilities Code is amended by changing Section 3-504 as
6 follows:

7 (405 ILCS 5/3-504) (from Ch. 91 1/2, par. 3-504)

8 Sec. 3-504. Minors; emergency admissions.

9 (a) A minor who is eligible for admission under Section
10 3-503 and who is in a condition that immediate hospitalization
11 is necessary may be admitted upon the application of a parent
12 or guardian, or person in loco parentis, or of an interested
13 person 18 years of age or older when, after diligent effort,
14 the minor's parent, guardian or person in loco parentis cannot
15 be located or refuses to consent to admission. Following
16 admission of the minor, the facility director of the mental
17 health facility shall continue efforts to locate the minor's
18 parent, guardian or person in loco parentis. If that person is
19 located and consents in writing to the admission, the minor may
20 continue to be hospitalized. However, upon notification of the
21 admission, the parent, guardian or person in loco parentis may
22 request the minor's discharge subject to the provisions of
23 Section 3-508.

1 (b) A peace officer may take a minor into custody and
2 transport the minor to a mental health facility when, ~~as a~~
3 ~~result of his personal observation,~~ the peace officer has
4 reasonable grounds to believe that the minor is eligible for
5 admission under Section 3-503 and is in a condition that
6 immediate hospitalization is necessary in order to protect the
7 minor or others from physical harm. Upon arrival at the
8 facility, the peace officer shall complete an application under
9 Section 3-503 and shall further include a detailed statement of
10 the reason for the assertion that immediate hospitalization is
11 necessary, including a description of any acts or significant
12 threats supporting the assertion, the time and place of the
13 occurrence of those acts or threats, and the names, addresses
14 and telephone numbers of other witnesses of those acts or
15 threats.

16 (c) If no parent, guardian or person in loco parentis can
17 be found within 3 days, excluding Saturdays, Sundays or
18 holidays, after the admission of a minor, or if that person
19 refuses either to consent to admission of the minor or to
20 request his discharge, a petition shall be filed under the
21 Juvenile Court Act of 1987 to ensure that appropriate
22 guardianship is provided.

23 (d) If, however, a court finds, based on the evaluation by
24 a psychiatrist, licensed clinical social worker, licensed
25 clinical professional counselor, or licensed clinical
26 psychologist or the testimony or other information offered by a

1 parent, guardian, person acting in loco parentis or other
2 interested adults, that it is necessary in order to complete an
3 examination of a minor, the court may order that the minor be
4 admitted to a mental health facility pending examination and
5 may order a peace officer or other person to transport the
6 minor to the facility.

7 (e) If a parent, guardian, or person acting in loco
8 parentis is unable to transport a minor to a mental health
9 facility for examination, the parent, guardian, or person
10 acting in loco parentis may petition the court to compel a
11 peace officer to take the minor into custody and transport the
12 minor to a mental health facility for examination. The court
13 may grant the order if the court finds, based on the evaluation
14 by a psychiatrist, licensed clinical social worker, licensed
15 clinical professional counselor, or licensed clinical
16 psychologist or the testimony of a parent, guardian, or person
17 acting in loco parentis that the examination is necessary and
18 that the assistance of a peace officer is required to
19 effectuate admission of the minor to a mental health facility.

20 (f) Within 24 hours after admission under this Section, a
21 psychiatrist or clinical psychologist who has personally
22 examined the minor shall certify in writing that the minor
23 meets the standard for admission. If no certificate is
24 furnished, the minor shall be discharged immediately.

25 (Source: P.A. 95-804, eff. 8-12-08.)

26 Section 99. Effective date. This Act takes effect upon

1 becoming law.